

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARBARA A. BENEDICT,) CASE NO. C05-0118-RSM-MAT
Plaintiff,)
v.) ORDER OF REMAND
JO ANNE B. BARNHART, Commissioner)
of Social Security,)
Defendant.)

The Court has reviewed the entire record, including the Administrative Record, the memoranda of the parties, and the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler. It is therefore ORDERED:

- (1) The Court adopts the Report and Recommendation;
- (2) The Court remands this matter for an award of benefits;
- (3) The Administrative Law Judge shall also consider on remand whether to reopen the February 20, 2000 decision denying plaintiff's July 16, 1999 application for disability benefits under 20 C.F.R. § 404.987, *et seq.*; and
- (4) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.

DATED this _11_ day of _October_, 2005.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE